

Message Text

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ACTION IO-14

INFO OCT-01 ISO-00 AF-10 ARA-10 EA-10 EUR-12 NEA-10
SSO-00 NSCE-00 ICAE-00 INRE-00 CIAE-00 DODE-00
PM-05 H-01 INR-10 L-03 NSAE-00 PA-01 SP-02 SS-15
TRSE-00 /104 W

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FM USMISSION USUN NEW YORK

TO SECSTATE WASHDC IMMEDIATE 2729

INFO AMEMBASSY BONN IMMEDIATE

AMEMBASSY DAR ES SALAAM IMMEDIATE

AMEMBASSY GABORONE IMMEDIATE

AMEMBASSY KHARTOUM IMMEDIATE

AMEMBASSY LAGOS IMMEDIATE

AMEMBASSY LIBREVILLE IMMEDIATE

AMEMBASSY LONDON IMMEDIATE

AMEMBASSY LUSAKA IMMEDIATE

AMEMBASSY MAPUTO IMMEDIATE

AMEMBASSY OTTAWA IMMEDIATE

AMEMBASSY PARIS IMMEDIATE

AMEMBASSY PRETORIA IMMEDIATE

AMEMBASSY TOKYO IMMEDIATE

C O N F I D E N T I A L SECTION 01 OF 03 USUN NEW YORK 03065

TOKYO FOR MAYNES AND PETREE

E.O. 11652: GDS

TAGS: PORG, SF, WA

SUBJECT: NAMIBIA: SOUTH AFRICAN PRESS RELEASE

1. AT A PRESS CONFERENCE HELD AT 5 P.M. JULY 31,
SOUTH AFRICAN CHARGE EKSTEEN PROVIDED THE PRESS WITH
COPIES OF A LETTER FROM SOUTH AFRICAN FOREIGN MINISTER
BOTH A ADDRESSED TO SECRETARY GENERAL WALDHEIM. THE
FULL TEXT OF THE LETTER IS CONTAINED IN PARA 5 BELOW.

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EKSTEEN SAID THAT HE HAD JUST MET WITH WALDHEIM AND
PRESENTED THE LETTER TO HIM. WALDHEIM HAD
TAKEN NOTE OF IT AND AGREED TO CIRCULATE IT AS A
SECURITY COUNCIL DOCUMENT. IN RESPONSE TO QUESTIONS,
EKSTEEN STATED THAT SOUTH AFRICA IS AGREEABLE TO
RECEIVING MR. AHTISAARI AND "THE PERSONNEL THAT HE
NEEDS, IN CONSULTATION WITH US, TO FILE HIS REPORT."

HE SAID THAT THE TIMING OF AHTISAARI'S VISIT IS UP TO THE UN. WHEN ASKED ABOUT THE DATE OF INDEPENDENCE, EKSTEEN REITERATED SOUTH AFRICA'S COMMITMENT TO DECEMBER 31, 1978 AS THE INDEPENDENCE DATE. WHEN ASKED WHAT WOULD HAPPEN IF THAT DATE COULD NOT BE MET, HE REPLIED, "IT DEPENDS ON THE CIRCUMSTANCES."

2. AMBASSADOR MCHENRY SPOKE WITH SECRETARY GENERAL WALDHEIM BEFORE AND AFTER EKSTEEN'S VISIT. WALDHEIM SAID HE WOULD INFORM PRESS OF HIS INTENTION TO PROCEED ON THE BASIS OF THE SECURITY COUNCIL RESOLUTION IN CONSULTATION WITH THE PARTIES. HE WOULD NOT ADDRESS THE TENTATIVE NATURE OF THE SAG RESPONSE BUT SAID THE BOTHA LETTER INDICATED THAT THERE WOULD BE DIFFICULTIES AT EVERY STEP ALONG THE WAY.

3. THE REPETITION BY THE SAG OF INACCURATE INFORMATION MAY HAVE TO BE ADDRESSED BY THE FIVE. FOR EXAMPLE AT NOT TIME DID THE FIVE AGREE TO SOUTH AFRICA'S LEGAL POSITION ON WALVIS BAY AS SOUTH AFRICA HAS STATED IN VORSTER'S EARLIER LETTER, IN BOTHA'S SECURITY COUNCIL SPEECH, AND NOW IN BOTHA'S LETTER TO THE SYG. MOREOVER, AT NO POINT IN THE PROPOSAL OR IN OUR DISCUSSIONS IS THERE AN AGREEMENT TO DO MORE THAN CONSULT THE PARTIES WITH REGARD TO THE DEPLOYMENT, SIZE AND COMPOSITION OF UN MILITARY
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PERSONNEL.

4. AS SEPTTEL INDICATES WE MAY ALSO HAVE TO SPEAK TO SWAPO'S WILD STATEMENTS.

5. FOLLOWING IS THE TEXT OF BOTHA'S LETTER TO WALDHEIM. BEGIN UNCLASSIFIED. BEGIN TEXT.

YOUR EXCELLENCY,

I HAVE THE HONOUR TO REFER TO MY STATEMENT IN THE SECURITY COUNCIL ON 27 JULY 1978 IN WHICH I SET OUT MY GOVERNMENT'S POINT OF VIEW IN RESPECT OF SECURITY COUNCIL RESOLUTIONS 431 AND 432 DATED 27 JULY 1978.

I WISH TO REITERATE THAT THE SOUTH AFRICAN GOVERNMENT COMPLETELY REJECTS RESOLUTION 432 AND CONSIDERS IT TO BE DEVOID OF ANY LEGAL OR FACTUAL BASIS. I ALSO WISH TO REAFFIRM, ON BEHALF OF MY GOVERNMENT, THAT WE WILL NOT BE PREPARED TO NEGOTIATE WITH ANYBODY ON THE BASIS OF SECURITY COUNCIL RESOLUTION 432.

I ALSO WISH TO BRING TO THE ATTENTION OF YOUR
EXCELLENCY THE TEXT OF A STATEMENT MADE BY THE SOUTH
AFRICAN PRIME MINISTER ON 28 JULY 1978:

- "WALVIS BAY IS SOUTH AFRICAN TERRITORY AND NO
 - DECISION BY THE UNITED NATIONS OR ANY OTHER
 - BODY CAN DEPRIVE SOUTH AFRICA OF IT. IN FACT,
 - ONLY A DECISION BY THE SOUTH AFRICAN PARLIAMENT
 - CAN BRING ABOUT CHANGE TO THE STATUS AND
 - POSITION OF THE TERRITORY OF WALVIS BAY.
-
- THE DECISION BY THE SECURITY COUNCIL THUS HAS
 - NO FORCE OF LAW AND THE GOVERNMENT CANNOT ALLOW

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TO SECSTATE WASHDC IMMEDIATE 2730
INFO AMEMBASSY BONN IMMEDIATE
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AMEMBASSY TOKYO IMMEDIATE

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TOKYO FOR MAYNES AND PETREE

- THAT IT BE DICTATED TO AS TO WHAT IT SHOULD DO
- WITH ITS PROPERTY OR HOW IT SHOULD BE CONTROLLED

- OR ADMINISTERED.
 - TO HAVE NEGOTIATIONS WITH A FRIENDLY GOVERNMENT
 - IN SOUTH WEST AFRICA ABOUT THE HARBOUR AND ITS
 - USE IS ONE MATTER WHICH SPEAKS FOR ITSELF, BUT
 - TO MAKE DEMANDS AND TO LINK THESE DEMANDS TO A
 - SETTLEMENT IN SOUTH WEST AFRICA IS ANOTHER
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- MATTER WHICH THE GOVERNMENT REJECTS UNCONDITIONALLY."

THE ACTION OF THE FIVE WESTERN POWERS IN THE SECURITY COUNCIL IN SUPPORTING THE RESOLUTION IN QUESTION HAS SHOCKED MY GOVERNMENT. IN THIS REGARD I WISH TO DRAW THE ATTENTION OF YOUR EXCELLENCY ONCE MORE TO THAT PART OF MY STATEMENT SETTING OUT THE UNDERSTANDING REACHED BETWEEN MY GOVERNMENT AND THE FIVE WESTERN POWERS ON WALVIS BAY. THROUGHOUT THE NEGOTIATIONS LEADING TO MY GOVERNMENT'S ACCEPTANCE OF THE WESTERN PROPOSAL, THE FIVE ACKNOWLEDGED THAT WALVIS BAY WAS NOT PART OF SOUTH WEST AFRICA. THEY ALLUDED MERELY TO THE POSSIBILITY THAT A CONTROVERSY MIGHT ARISE ABOUT THE ISSUE AT SOME FUTURE STAGE. THEY ACKNOWLEDGED THAT THEY WERE NOT ARGUING AT ALL ABOUT THE POLITICAL AND LEGAL SITUATION IN RESPECT OF WALVIS BAY. THEY WERE NOT ADDRESSING THE MERITS OF THE CASE. ON VARIOUS OCCASIONS MY PRIME MINISTER ALSO INFORMED THE REPRESENTATIVES OF THE FIVE THAT THE INTRODUCTION OF THE WALVIS BAY ISSUE INTO THE PROPOSAL WOULD LEAD TO THE IMMEDIATE TERMINATION OF THE NEGOTIATIONS. THE FIVE MORE THAN ONCE GAVE ASSURANCES THAT IT WAS NOT THEIR INTENTION TO ADDRESS THEMSELVES TO THE POLITICAL OR LEGAL ASPECTS OF THE MATTER. THIS WAS REAFFIRMED BY THEIR ABSTENTION ON GENERAL ASSEMBLY RESOLUTION 32/9D OF 4 NOVEMBER 1977, DECLARING THAT WALVIS BAY IS AN INTEGRAL PART OF SOUTH WEST AFRICA.

DURING THE TALKS IN NEW YORK IN FEBRUARY OF THIS YEAR IT WAS PROPOSED TO DISPOSE OF THE QUESTION OF WALVIS BAY IN A PARAGRAPH STATING THAT ACCEPTANCE OF THE PROPOSAL WOULD IN NO WAY PREJUDICE THE TERRITORIAL

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CLAIM OF ANY PARTY. AT MY INSISTENCE IT WAS AGREED TO DELETE EVEN THIS IMPLIED REFERENCE TO THE QUESTION

OF WALVIS BAY.

THE FIVE WESTERN GOVERNMENTS AGAIN STATED THEIR
POSITION, BOTH IN THE GENERAL ASSEMBLY ON 25 APRIL 1978
AND TO US, AS FOLLOWS:

- "ALL ASPECTS OF THE QUESTION OF WALVIS BAY MUST
- BE SUBJECT TO DISCUSSIONS BETWEEN THE SOUTH
- AFRICAN GOVERNMENT AND THE ELECTED GOVERNMENT OF
- NAMIBIA".

THERE IS NO ROOM FOR ANY DOUBT. THE LANGUAGE IS CLEAR.

IN THE EVENT, THE FINAL PROPOSAL CONTAINED NO
REFERENCE AT ALL TO WALVIS BAY; NOR, I MAY ADD, DID
SECURITY COUNCIL RESOLUTION 385 (1976), WHICH HAS
THROUGHOUT FORMED THE BASIS OF OUR NEGOTIATIONS AND
THE FINAL PROPOSAL.

MY GOVERNMENT HAS CAREFULLY STUDIED AND CONSIDERED
THE EXPLANATION OF VOTE IN THE SECURITY COUNCIL ON
27 JULY 1978 BY THE UNITED STATES SECRETARY OF STATE,
MR. CYRUS VANCE, ON BEHALF OF THE FIVE WESTERN
POWERS, AS WELL AS COMMUNICATIONS RECEIVED FROM THEM
ON THE ISSUE OF WALVIS BAY.

WHILE WE CANNOT AGREE WITH THEIR JUSTIFICATION FOR
INTRODUCING THE WALVIS BAY ISSUE AT ALL, MY
GOVERNMENT HAS TAKEN NOTE OF CERTAIN CLARIFICATIONS,
INTER ALIA, THAT THEY DO NOT REGARD THIS SUBJECT AS
PART OF THEIR SETTLEMENT PROPOSAL AND THEY EMPHASIZE
THAT THE RESOLUTION DOES NOT ADDRESS ITSELF TO THE
LEGAL STATUS OF WALVIS BAY, NOR DOES IT, IN ANY WAY,

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TOKYO FOR MAYNES AND PETREE

PREJUDICE SOUTH AFRICA'S LEGAL POSITION.

ACCORDING TO THE FIVE THE "STEPS NECESSARY" REFERRED TO IN OPERATIVE PARAGRAPH 2 OF RESOLUTION 432, MEANS NEGOTIATION AND DOES NOT SEEK TO COERCE ANY PARTY. FURTHERMORE, IT IS STRESSED, THE TREATMENT OF WALVIS BAY IS IN A FUTURE CONTEXT AND THERE IS NO TIMETABLE - THE FUTURE OF WALVIS BAY CAN ONLY BE DETERMINED IN DISCUSSION BETWEEN THE SOUTH AFRICAN GOVERNMENT AND
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THE FUTURE GOVERNMENT OF SOUTH WEST AFRICA.

IN THE LIGHT OF WHAT HAS HAPPENED, TWO ASPECTS HAVE TAKEN ON SPECIAL SIGNIFICANCE IN THE DELIBERATIONS OF THE SOUTH AFRICAN GOVERNMENT, NAMELY -

- (A) THE ISSUE OF WALVIS BAY, AND
- (B) THE IMPLEMENTATION OF THE PROPOSAL.

I HAVE ALREADY SET OUT THE SOUTH AFRICAN GOVERNMENT'S POSITION ON WALVIS BAY. BEARING IN MIND THE MANNER IN WHICH THIS ISSUE HAS BEEN DRAGGED INTO THE AMBIT OF THE PROPOSAL, THE SOUTH AFRICAN GOVERNMENT IS DEEPLY CONCERNED THAT THE LETTER AND SPIRIT OF THE PROPOSAL WOULD NOT BE OBSERVED AND IMPLEMENTED BY SOME OF THE PARTIES. ACCORDINGLY, THE SOUTH AFRICAN GOVERNMENT WOULD WISH TO SATISFY ITSELF THAT THE LETTER AND SPIRIT OF THE PROPOSAL WILL INDEED BE HONOURED, SUCH AS THOSE PROVISIONS CONCERNING THE MAINTENANCE OF LAW AND ORDER, THE PRESENCE OF SOUTH AFRICAN FORCES AND THE FUNCTIONS, DEPLOYMENT, SIZE AND

COMPOSITION OF UNITED NATIONS MILITARY PERSONNEL AND
OBSERVERS, AS WELL AS THE COMMITMENT THAT THE
ELECTIONS WOULD BE HELD BEFORE THE END OF 1978.
IN SPITE OF OUR MISGIVINGS FLOWING FROM THE CIRCUM-
STANCES SET OUT ABOVE, THE SOUTH AFRICAN GOVERNMENT,
AS WELL AS THE ADMINISTRATOR-GENERAL OF SOUTH WEST
AFRICA, WOULD BE WILLING TO RECEIVE YOUR
SPECIAL REPRESENTATIVE AND TO AWAIT HIS SUBSEQUENT
REPORT ON THE MANNER IN WHICH HE, IN HIS CAPACITY
AS YOUR SPECIAL REPRESENTATIVE, ENVISAGES THE
IMPLEMENTATION OF THE PROPOSAL, WHICH WE ON OUR
PART ACCEPTED IN GOOD FAITH ON 25 APRIL LAST. ON
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RECEIPT OF HIS REPORT THE SOUTH AFRICAN
GOVERNMENT WILL DECIDE WHETHER HIS RECOMMENDATIONS
ARE INDEED IN ACCORDANCE WITH THE PROPOSAL.

PLEASE ACCEPT, YOUR EXCELLENCY, THE ASSURANCES OF
MY HIGHEST CONSIDERATION.

(SIGNED) R.F. BOTHA
MINISTER OF FOREIGN AFFAIRS

END UNCLASSIFIED. END TEXT.

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Message Attributes

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